

EQUAL ACCESS PARTNERSHIP GRANTS

The Equal Access Fund was first created by the Budget Act of 1999 and has been renewed in each subsequent Budget Act. Each of these budgets allocated \$10 million to the Judicial Council to be distributed in grants to legal services providers through the Legal Services Trust Fund Commission of the State Bar ("the commission"). Additional on-going funds became available last year due to a special allocation of a portion of the initial courthouse filing fees from civil cases. These funds are currently valued at approximately \$5 million per year.

The budget control language provides for two kinds of grants:

- * Ninety percent of the funds remaining after administrative costs are to be distributed to legal services programs according to a formula set forth in California's Interest on Lawyer Trust Accounts ("IOLTA") statute.

- * Ten percent of the funds remaining after administrative costs are set aside for Partnership Grants to legal services programs for "joint projects of courts and legal services programs to make legal assistance available to pro per litigants."

Thus, in 2007, there will be approximately \$1,425,000 in Partnership Grant funds.

Request for Proposals

In August the commission issues a Request for Proposals (RFP) for Partnership Grants to the approximately 100 legal services programs currently receiving Legal Services Trust Fund funding. Proposals are due in September; successful applicants are identified by the commission in November and confirmed by the Judicial Council in December. Funding is provided on a single-disbursement calendar-year basis, as close to January 1 as possible.

Selection Criteria

The Budget Act contains four essential elements for Partnership Grants:

- * Recipients must be organizations that are eligible for a Legal Services Trust Fund Program grant.

- * The funds must be granted for joint projects of legal services programs and California state courts.

- * The services must be for indigent persons as defined in the Trust Fund Program statute.

- * The services must be for self-represented litigants.

The commission funds a range of projects to address different needs in communities statewide, both large and small. Partnership grants are to be considered as "seed money" for new efforts, and projects selected for funding are expected to find alternate sources of funding for a significant part of each project after three years of Partnership support and to be independent of the Partnership Grant Program after no

more than five years. Consequently programs are encouraged to be creative and diligent in identifying alternate sources of funding.

All proposals must include the following:

§ A letter of support from the applicable court's presiding judge.

§ A formal agreement (or "Memorandum of Understanding") between the legal services programs and the courts. As part of the grant process, recipients must develop a written agreement with the cooperating court indicating how the service provider, the court, and any existing self-help center, including the family law facilitator as appropriate, will work together to implement the project.

§ Plans to provide for lawyers to assist and to provide direct supervision of paralegals and other support staff.

§ Protocols to minimize conflicts of interest, or to address them as needed, including: what resources are available to individuals who cannot be served for any reason; factors creating or negating the existence of an attorney-client relationship between the provider and the pro per litigant; and related issues.

§ A plan to anticipate and meet the needs of litigants who are not within the legal services provider's service area or are ineligible for their services. (While this can be a challenge for organizations with limited funding, a number of applicants have developed collaborations with other legal services providers that facilitate a broad availability of services.)

§ A plan to address the needs of unrepresented litigants who are not financially eligible for services (e.g., by providing general information in the form of information sheets, videos, workshops, etc.)

§ A clearly stated policy regarding administration of financial eligibility standards, and established protocols to observe that policy.

§ A plan for project continuity, including efforts to identify and secure additional funding within three years.

Because all recipients of the Partnership Grants are organizations that are already receiving IOLTA Grants and IOLTA-Formula Grants through the Legal Services Trust Fund Program, they are already subject to oversight and reporting requirements. The commission has also developed additional reporting requirements and evaluation procedures to apply specifically to the work to be done under these additional grants. Technical advice and training are available to help Partnership grantees fulfill these additional evaluation requirements.

For additional information on Partnership Grants please contact:

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